### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re:		
		Chapter 11
Eteron, Inc.,		Case No.18-45161-pjs
		Hon. Phillip J. Shefferly
Debtor.		•
	/	

## NYATEX CHEMICAL COMPANY'S MOTION FOR ALLOWANCE AND PAYMENT OF ITS 11 U.S.C. § 503(b)(9) CLAIM

Nyatex Chemical Company ("Nyatex"), by and through its undersigned attorneys, states its Motion For Allowance and Payment of its 11 U.S.C. § 503(b)(9) Claim as follows:

- 1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).
  - 2. Venue is appropriate pursuant to 28 U.S.C. §§ 1408 and 1409.
- 3. The statutory bases for the relief requested herein are Sections 105 and 503 of title 11 of the United States Code (the "Bankruptcy Code"),
- 4. On April 9, 2018 (the "Petition Date") Eteron, Inc. filed its petition for relief under Chapter 11 of the Bankruptcy Code.
- 5. The meeting of creditors was held May 8, 2018, which was the first date set for the meeting of creditors.

2182270 v1/13698.0001

- 6. No order was entered setting the deadline to file a motion for allowance of a claim under 11 U.S.C. §503(b)(9). Therefore, the deadline for filing a motion for allowance of a claim under 11 U.S.C. §503(b)(9) is 90 days after the first date set for the meeting of creditors, being August 6, 2018. (LBR 3003-1)
- 7. The Debtor operated its business as a debtor in possession pursuant to 11 U.S.C. §§ 1107(a) and 1108. The assets of the Debtor were sold pursuant to the Order Approving Sale of Property of the Estate Outside of the Ordinary Course of Business Under 11 U.S.C. §363 Free and Clear of Liens and Interests with Liens and Interest to Transfer to Sale Proceeds entered July 20, 2018 [Doc. No. 116].
  - 8. No Trustee has been appointed in this case.

### Section 503(b)(9) Claim

- 9. Nyatex supplied specialty adhesive to the Debtor for use in manufacturing of automobile components. As of the Petition Date, Nyatex was owed \$100,182.09, \$49,191.84 of which was supplied to the Debtors within 45 days of the Petition Date. \$38,435.04 of that amount constitutes a valid 503(b)(9) claim (the "503(b)(9) Claim"), as such product was supplied to the Debtor within 20 days of the Petition Date.
- 10. On April 19, 2018, Nyatex served its Reclamation Notice and Demand on the Debtor (the "Reclamation Demand") identifying the individual 2182270 v1/13698,0001

reclamation claim and 503(b)(9) claim (a "503(b)(9) Claim") attributable to the Debtor. (See Exhibit A, attached hereto.) On April 20, 2018, Notice (the "Notice") of the Reclamation Demand was filed in this proceeding [Doc. No. 36]. The Reclamation Demand and Notice are summarized below:

503(b)(9) Amount (20 days of Petition	21-45 days of Petition Date	Total Reclamation Amount
Date)	(546(c))	
\$38,435.04	\$10,756.80	\$49,191.84

- 11. The Reclamation Demand provides a summary of the invoices that make up the Reclamation and 503(b)(9) Claims by invoice date, invoice number, invoice amount, as well as copies of the relevant invoices.
- 12. Section 503(b)(9) of the Bankruptcy Code provides for the allowance of administrative expenses, after notice and a hearing, for "the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business." 11 U.S.C. § 503(b)(9).
- 13. As evidenced by the Reclamation Demand and Notice, within 20 days before the Petition Date, Nyatex provided goods to the Debtor in the aggregate amount of \$38,435.04 consisting of specialty adhesives (the "20 Day Goods"). The 20 Day Goods were sold to the Debtor in the ordinary course of Debtor's business and were received by the Debtor within 20 days prior to the Petition Date.

Therefore, Nyatex is entitled to an administrative expense claim under 11 U.S.C. §503(b)(9) in the amount of \$38,435.04.

#### Relief Requested

WHEREFORE, Nyatex Chemical Company respectfully requests that this Court enter an order in the form attached as **Exhibit 1** allowing Nyatex an administrative expense claim pursuant to 11 U.S.C. § 503(b)(9) in the amount of \$38,435.04, ordering the Debtor to pay said administrative expense claim within 7 business days of the date of entry of this order and granting such other relief as is appropriate in this matter.

Respectfully submitted, MADDIN, HAUSER, ROTH & HELLER, P.C.

/s/ Julie Beth Teicher

JULIE BETH TEICHER (P34300) Attorneys for Nyatex, LLC 28400 Northwestern Hwy, 2<sup>nd</sup> Floor Southfield, MI 48034 (248) 354-4030 jteicher@maddinhauser.com

DATED: August 2, 2018

# **EXHIBIT A**

JULIE BETH TEICHER
Direct Dial No: (248) 351-7059
Direct Fax No: (248) 359-7558

E-Mail: jteicher@maddinhauser.com

28400 Northwestern Highway Second Floor Southfield, MI 48034-1839 (248) 354-4030 fax (248) 354-1422 www.maddinhauser.com

April 19, 2018

#### **VIA FEDERAL EXPRESS**

John C. Kim, II Eteron, Inc. 23944 Freeway Park Drive Farmington Hills, MI 48335 Ethan D. Dunn Maxwell Dunn PLC 24725 W. 12 Mile Road, Suite 306 Southfield, MI 48034 bankruptcy@maxwelldunnlaw.com

Kimberly Ross Clayson Clayson, Schneider & Miller, P.C. 645 Griswold, Suite 3900 Detroit, MI 48226 kim@claysonschneidermiller.com

RE: Eteron, Inc. ("Debtor") Chapter 11 Case No. 18-45161

#### **RECLAMATION NOTICE AND DEMAND**

Dear Messrs. Kim and Dunn and Ms. Clayson:

This firm is counsel for Nyatex Chemical Company ("Nyatex"). On behalf of Nyatex, please take notice that pursuant to Section 546(c) of the United States Bankruptcy Code and Section 2-702 of the Uniform Commercial Code, Nyatex hereby demands immediate return and reclamation of all goods and products received by the above-reference Debtor pursuant to the enclosed invoices (See Exhibits A and B attached) in the amount of \$49,191.84. The reclamation demand is summarized as follows:

### a. Goods Received Within 20 days of April 9, 2018

Invoice Date	Invoice Number	Amount
03/21/2018	32946	\$8,460.72
03/26/2018	32954	\$10,756.80
03/28/2018	32955	\$8,460.72

Invoice Date	Invoice Number	Amount
04/02/2018	32967	\$7,171.20
04/05/2018	32974	\$3,585.60
TOTAL		\$38,435.04

### b. Goods Received Within 21 to 45 days of April 9, 2018

Invoice Date	Invoice Number	Amount
03/19/2018	32937	\$10,756.80
TOTAL		\$10,756.80

#### TOTAL RECLAMATION CLAIM (A & B): \$49,191.84

#### c. Section 503(b)(9) Claim

In addition to the foregoing, Nyatex asserts and will assert an administrative claim pursuant to Bankruptcy Code Section 503(b)(9) for the value of goods Nyatex provided to the Debtor within the twenty (20) days immediately prior to the Petition Date of April 9, 2018 (the "Section 503(b)(9) Claim"). The amount of the Section 503(b)(9) Claim is \$38,435.04.

### d. <u>Post-petition Invoice</u>

Further, prior to being advised of the Chapter 11 filing, Nyatex supplied goods to the Debtor on April 9, 2018 (post-petition), pursuant to Invoice Number 32977 in the amount of \$3,585.60, a copy of which is attached for your convenience as Exhibit C. It is expected that payment for the goods referenced on Exhibit C will be made according to its terms.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

MADDIN, HAUSER, ROTH & HELLER, P.C.

Julie Beth Teicher

JBT/gs

Enclosures

cc: Jason Hulbert

William E. Sigler (i/o)

# EXHIBIT A



### Invoice

Date	Invoice #
3/21/2018	32946

Eteron Inc. 23944 Freeway Park Drive 23944 Freeway Park Drive Farmington, MI 48335  Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	Bill To	Ship To
	23944 Freeway Park Drive	23944 Freeway Park Drive

O. Number	Terms	Rep	Ship	Via	F.O	.В.	Project
Verbal	2%/NET20		3/21/2018	AGD	Howel	l, MI	
Quantity	Item Code		Descript	ion		Price Each	Amount
	1680-B Number(s) 0	lack Flock A 38-14-28, 03	dhesive, ( 54 Gal 8-16-32	. Drums), sale ur	nit: Gallon		7,171.2 0.0
		slack Flock A 38-14-29	dhesive, ( 54 Gal	. Drums), sale ur	nit: Gallon	•	1,289.5 0.0
				,			
			:				
		<del> </del>				Total	\$8,460.7

### ATTENTION SHIPPERS! FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT:

### STRAIGHT BILL OF LADING

Shipper No	32946	
Carrier No.		·
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			C. (IGINAL - N				Cari	rier No.		•
Page 1 of 1		Gen	erated from DGIS Form AGD	s by Labe	lmaster	using 49 CFR			03/2 1/20	18
			(Name of carrier)			(SCAC;)	-			
TO: Consignee Etc Street 239	oron 944 Freewa	y Park Drive		FROM: Shipper Street City, Sta	2112 te, Zip C				ompany	
City, State, Zlp Co	de Fann	ngton, MI, 48335, U.S.A.		24 hr. Er	nergenc	y Contact Tel. No. (8: —	00)535-50	53		
Route			-	l					Vehicle Number	- <u>-</u>
No. of Units & Container Type	НМ		SIC DESCRIPTION r Shipping Name, Hazard Class,	Packing Grou	qu	TOTAL QUANTITY (Weight, Volume, Gallons, etc.)	WEIGI (Subject Correcti	t to	RATE	CHARGES (For Carrier Use Only)
6 Drums		Compound Adhesive, N Containing 6 Drums Total Weight includin				324 gal	2970 lbs	S	60	
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Note - (1) Where the rate is appedically in writing the agr	dependent on value sed or declared val the property is here	o, shippers are required to state use of the property, as follows: "The by specifically stated by the shipper to	I hereby declare that the contents of this cont key and accurately described above by the pr name and are classified, packages, marked as the keyborketed, and as all reserved to the	ignment are oper dilpping nd	TO: ADD	Amt: \$		C.O.O FEE	PAID 4	
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(3) Commodities requiring a must be so marked and pac	secial or additional reged na to ensure reight Bils and St	care or attention in handling or atowing safe transportation. See Section 2(e) stements of Charges and Section 1(a)	JP_	Signature		(Signature of Consignor)	P	FREIGHT When box	FREIGHT CH PREPAID except atright is checked	ARCES Check box of changes and to be contact
RECEIVED, subject to the above in apparent good and destined as indicate person or corporation in destination, if on its rout	ne clessifications or order, except as no d above which said possession of the p e, otherwise to delin	nd tailfs in effect on the date of Issue of the local (contents and condition of contents of content (the word camer being understoo property under the contract) agrees to can yet to another currier on the route to said were all of any portion of said route to	i packages unknown), marked, consign d throughout this convect as meaning a ry to its usual place of delivery at said	QÚ,	heraunde	on and as to each party of any time is or shell be subject to all the biff of lad . Shipper hereby cutties that he is f said forms and conditions are hereby	ng (ernes and co amiter with all th	e lading ter	wa suq couquous sig dosessistik ciss	in the governing classification
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### Invoice

Date	Invoice #
3/26/2018	32954

Bill To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

Ship To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

P.O. Numbe	r Terms	Rep	Ship	Via	F.C	O.B.	Project
Verbal	2%/NET20		3/26/2018	AGD	How	ell, MI	
Quantity	Item Code	<del>                                     </del>	Descript	tion		Price Each	Amount
Quantity	Item Code  20F1680-B  Lot Number(s)	Black Flock A 038-16-32, 03	Adhesive, (54 Gal		nit: Gallon	Price Each	10,756.80 0.00
			. •			Total	\$10,756.80

#### ATTENTION SHIPPERSI, FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

#### STRAIGHT BILL OF LADING

Shipper No. 32954	_
Carrier No.	
20/20/2010	

ORIGINAL - NOT NEGOTIABLE Generated from DGIS Forms by Labelmaster using 49 CFR Date 03/26/2018 AGD Page 1 of 1 (SCAC) (Name of carrier) FROM: **Nyatex Chemical Comapany** Shipper TO: Street 2112 Industrial Consignee City, State, Zip Code Howell, MI, 48843, U.S.A. 23944 Freeway Park Drive Street Emergency Contact Name Nyatex Chemical Company Farmington, MJ, 48335, U.S.A. City, State, Zip Code 24 hr. Emergency Contact Tel. No. (800)535-5053 Route Vehicle Number No. of Units & TOTAL QUANTITY WEIGHT **CHARGES** BASIC DESCRIPTION HMRATE (Weight, Volume, Gallons, etc.) Container Type UN or NA Number, Proper Shipping Name, Hazard Class, Packing Group (Subject to (For Carrier Correction) Use Only) 6 Drums 324 gal 2970 lbs Compound Adhesive, NOI, Liquid 60 2 Pallet 116 lbs Containing 6 Drums Total Weight including Pallets 3086 lbs REMIT C.O.D. PLACARDS TENDERED; YE\$ NO TO: ADDRESS Note - (1) Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property, as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper for the property of the property is the property of the property PREPAID pe uel exceeded — Bleed ot decimen COD -Amt: \$ COLLECT (2) Where the applicable fault provisions specify a fimiliation of the carrier's flability abant a release or a value declaration by the shipper and the shipper does not release the carrier's flability or declare a value, the carrier's flability shall be fimited to the extent provided by such provisions. See NMFC item (72.) Subject to Section 7 of the conditions, if this shipment is to be delivered to the TOTAL CHARGES \$ (3) Commodities requiring special or additional care or attention in handling or stowing must be so marked and packaged as to ensure safe transportation. See Saction 2(e) of item 360, Bits of Lading, Freight Bits and Statements of Charges and Saction 1(e) FREIGHT CHARGES Signature Check bot if charge are to be collect of the Contract Terms and Conditions for a list of such articles. RECEIVED, subject to the classifications and latiffs in effect on the date of issue of this Bit of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destinate a ridicated above which said carrier (the word carrier being understood stoughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination; it is mutually agreed as to each carrier of all or any of, said property over all of any portion of said route to destination and us to each polity at any time interested in all or any said property, that every service to be performed hereunder shell be subject to all the bit of lading terms and conditions in the governing classification on the date of shipment. Skipper hereby certifies that he is families with all the lading terms and conditions in the governing classification and the said terms and conditions have the governing classification and the said terms and conditions in the governing classification.

SHIPPER Nyatex Chemical Comapany		CARRIER AGD A LICION PULLOR
PER	OP	PER AGD Vom 16
		DATE 03/26/2018 3-26-20/3





Date	Invoice#
3/28/2018	32955

Bill To		
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	·	

Ship To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

P.O. Numbe	r Terms	Rep	Ship	Via	F.	O.B.		Project
Verbal	2%/NET2	0	3/28/2018	AGD	How	ell, MI		
Quantity	Item Code	<u> </u>	Description Price Each			ach	Amount	
42	20F1680-B Lot Number(s)	Black Flock 038-21-49	Black Flock Adhesive, (54 Gal. Drums), sale unit: Gallon				7,171.20 0.00	
	20F1341. Lot Number(s)	Black Flock 038-27-55	Adhesive, (54 Ga	l. Drums), sale ur	nit: Gallon			1,289.52 0.00
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						Total		\$8,460.72

### ATTENTION SHIPPERS! FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

### STRAIGHT BILL OF LADING

ORIGINAL - NOT NEGOTIABLE

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Shipper No. 32955
Carrier No.

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Page 1 of 1			(Name of carrier)		(SCAC)					
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Route					_		<del>,,-</del>		Vehicle Number	
No. of Units & Container Type	НМ		SIC DESCRIPTION or Shipping Name, Hezerd Class,	Packing Grou	p.	TOTAL QUANTITY (Weight, Volume, Gallons, etc.)	WEIG (Subject Correct	et to	RATE	CHARGES (For Carrier Use Only)
6 Drums		Compound Adhesive, N	IOI, Liquid	, . <del></del>	7 7 7	324 gal	2970 lb	S	60	
2 Pallet		Containing 6 Drums Total Weight includi					116 lbs			
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				r	DATE	03/28/2018	<u> </u>	28	<i></i>	Oup



### Invoice

Date	Invoice #
4/2/2018	32967

Bill To	Ship To
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335

P.O. Numbe	r Terms	Rep	Ship	Via	F.	О.В.	Project
Verbal	2%/NET20		4/2/2018	AGD	Hov	vell, MI	
Quantity	Item Code		Descrip	tion		Price Each	n Amount
	20F1680-B Lot Number(s)	Black Flock 038-28-58	x Adhesive, ( 54 Gal	. Drums), sale ui	nit: Gallon		7,171.20
		<u> </u>				Total	\$7,171.20

### ATTENTION SHIPPERSI FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

### STRAIGHT BILL OF LADING

ORIGINAL - NOT NEGOTIABLE

Shipper No.	32967
Carrier No.	

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Page 1 of 1			AGD	·	-			Date 04/02/2018			
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Street 239	44 Freewa	y Park Drive		City, State,	Zip Code.	Howell, MI, 48	843, U.S.A	١.	* "		
City, State, Zip Cod	le Farmi	ington, MI, 48335, U.S.A.		l .	ergency Con gency Conta						
Route									Vehicle Number	<del> </del>	
No. of Units & Container Type	НМ		SIC DESCRIPTION of Shipping Name, Hazard Class,	Packing Group.	(We	L OUANTITY ight, Volume, allons, etc.)	WEIGI (Subjection	t to	RATE	CHARGES (For Carrier Use Only)	
4 Drums		Compound Adhesive, N	OI, Liquid		216 ga	ıl	1980 lbs		60		
1 Pallet		Containing 4 Drum Total Weight includir	ng Pallets				58 lbs 2038	os		,	
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specifically in writing the agree agreed or declared value of th be not exceedingper	a biobaith is here	e, zhippers are required to state use of the property; as follows; "The cby specifically stated by the shipper to	I havely distant that the contents of this consisting and accurately described above by the privacy and also dissibled, packaged, marked an labelled placeded, and are in all repetals in placed on for temporal accuracy is applicable.	oper shoping CC	D Amt: \$			C.O.D FEE PREF COLL	AID S		
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must be so marked and packs	cial or additional iged as to ensure eight Bile and Sta	care or allenton in handling or stoying sale transportation, See Section 2(e) stements of Charges and Section 1(a)	JP	Signature	payment of keight and a	Tother (swist charges),	P		FREIGHT CH	Check box if charges are to be called	
RECEIVED, subject to the above in apparent good or and destined as indicated person or corporation in p destination, it on its route,	c classifications ar rder, except as no above which said ossession of the p otherwise to deth	n backer, and the date of lasue of it has been discounted to the date of lasue of it has defended to contents of cautier (the word carrier being understoot properly under the combact) agrees to can ver to another earlier on the route to add the ver to another earlier on the route to add the ver all of any portion of sald route to	packages unknown), marked, consigne i throughout this contract as meaning a y to its usual place of delivery at said	id. N	treunder shait be au sinment. Shipper he	thiert to all the hill of inc	fing terms and co familiar with of th	nditions in t a lading len	we and countlous the Governioù class	service to be performed lification on the date of in the governing classification uself and his essigns.	
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### Invoice

Date	Invoice #
4/5/2018	32974

Bill To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

Ship To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	
<u> </u>	

P.O. Number	Terms	Rep	Ship	Via	F.	О.В.	Project
Verbal	2%/NET20		4/5/2018	AGD	How	vell, MI	
Quantity	Item Code		Descrip	tion	1	Price Each	Amount
2	0F1680-B	Black Flock A 038-28-58	dhesive, ( 54 Ga		nit: Gallon		3,585.60
					,		
		·					
					·		
<u> </u>						Total	\$3,585.

### ATTENTION SHIPPERS! FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

### STRAIGHT BILL OF LADING

Shipper No.	32974
Carrier No.	
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			ORIGINAL - N				Ca	rrier No		
•		Gen	erated from DGIS Form	s by Labe	elmaster	using 49 CFR				
Page 1 of 1			AGD			( SCAC ).	_	Date	9 <u>04/05/20</u>	18
TO: Consignee Ete	ron 944 Freewa	must appear 34fore ransyone's name or as ci sy Park Drive ington, MI, 48335, U.S.A.	(Name of carrier) nervise provided in II+m 430, Sec. 1;	FROM: Shipper Street City, Sta	2112 ate, Zip C Emergen	ex Chemical Comapar Industrial ode Howell, MI, 488 cy Contact Name N	343, U.S.	emical (	Company	
Roule	( <u>5-04-5-)</u>								Vehicle Number	
No. of Units & Container Type	НМ		SIC DESCRIPTION r Shipping Name, Hazard Class,	Packing Grou	up	TOTAL QUANTITY (Weight, Volume, Gallons, etc.)	WEIG (Subje Correc	ct to	RATE	CHARGES (For Carrier Use Only)
2 Drum		Compound Adhesive,	NOI, Liquid		-	108 gal	990lbs		60	
t Pallet		Containing 2 Drums		٠			58:lbs			
·		Total Weight includir	ng Paliets				1048	lbs		
		ENDERED: YES	NO X		REMIT C.					
specifically in writing the agre agreed or declared value of the ho not exceeding per _	, es biobouth is pere eg or gegisteg her	ue of the property, as follows: "The by specifically stated by the shipper to	I hereby decture that the contents of this earning hay and accurately described above by the pre- name and are classified, packaged, mailed to labeladglackeded, and are in a Frespecte in pro- constrain for transport according to applicable is	aper aperatorised	COD	Amt: \$		C.O.D FE PREF COLL	PAID [ ] s	
obsont a release or a value di release the carrier's liability of the extent two vided by such o (3) Commodities requiring ap- must be so marked and pack:	eciaration by the side claration by the side claration and the control of the claration and the claration and side claration and clarati	care or allention in handling or slowing sale transportation, Sae Section 2(e) stements of Charges and Section 1(n)	and national governmental (explatoris		Subject to Section openignee without following statemen without payment o	7 of the constrone, if the engineer is to be a recourse on the consumer, the consumer is the center related not make deboty of the self-feet and all other lawful charges.  (Signature of Consigner)	de (vered to in- us tign the shipe and	TOTAL O	CHARGES \$ FREIGHT CHA PREPAID except align is checked	ARPES Check box of th lights are to be cocked
above in appearent good of and destined as indicated person or corporation in p destination, if on its route.	rder, except as no sboye which said essession of the p otherwise to deliv	nd lariffe in effect on the date of issue of this led (contents and condition of contents of carrier (the world carrier being understood toperty under the contract) oprees to contract to another certifier on the route to said decreased on any portion of add route to	packages unknown), marked, consigne throughout this contract as meening ar y to its usual place of delivery at said	d.	hereunder shipment.	n and as to each party at any fine in the sit of taois Shipper hereby cut lifes that he is let it in any fine in any fine in the conditions are hereby in the interest in the conditions are hereby in the interest in the conditions are hereby in the conditions	ng lerms and c Indiar with all t	onditions in I ha lading ter	the governing class: ms and contitions i	fication on the date of In the governing classification
SHIPPER	Nyatex Ch	emical Comapany			CARRI	ER AGD	. LARI	Sec.	(T) mil	A.C.
PER	<del></del>			P	PER	<u> </u>	<u> 18</u>	J. J.	(27)	Garage 16.
				1:	DATE	04/05/2018				

# **EXHIBIT B**



### Invoice

Date	Invoice #
3/19/2018	32937

Bill To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

Ship To	
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	

P.O. Numb	er Terms	Rep	Ship	Via	F.	O.B.		Project
Verbal	2%/NET20	)	3/19/2018	AGD	How	ell, MI		
Quantity	Item Code	T	Descrip	tion		Price E	ach	Amount
	20F1680-B Lot Number(s)	Black Flock 038-14-28	Adhesive, (54 Ga	. Drums), sale ur	nit: Gallon			10,756.80 0.00
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•			÷ :	:1				
								-
						Total		\$10,756.80

### ATTENTION SHIPPERS! FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

Shipper No	32937	 
Carrier No.		
Dato	03/19/2018	 

· ·			STRAIGHTE				Shipper N	o. <u>32937</u>	
		,	Generated from DGIS Form	NOT NEGOTIAB ns by Labelmasi			Carrier No	١.	_
Page 1 of	1		AGD	,			Date	e 03/19/2	2018.
		<del>-</del>	(Name of carrier)	<del></del>	(SCAC)				
TO:	ens, the lettere 'CO leton	D, uma abbsa, pejote countiluse,e umus o	as otherwise provided in Nem 430, Sec. 1.	Ollipper	atex Chemical Comapa	any	<del></del>	····	<del></del>
		<b>-</b>		[	12 Industrial				
Street 2:	9944 Freew	ay Park Drive		City, State, Zip					
City, State, Zip C	ode Fam	nington, MI, 48335, U.S.	Α.	1		800)535	Chemical ( 6-5053	ompany	
Route				I				Vehicle Number	<del> </del>
No. of Units & Container Type	НМ	UN of NA Number, Pr	BASIC DESCRIPTION pper Shipping Name, Hazard Class,	Packing Group	TOTAL QUANTITY (Weight, Volume, Gallons, etc.)	(Sub	IGHT plect to ecilon)	RATE	CHARGES (For Carrier Use Only)
6 Drums		Compound Adhesive	NOI, Liquid		324 gal	2970	<del></del>	60	USU CITIY)
2 Pailet		Containing 6 Drums Total Weight includ	ing Pailets			3086			
		NDERED: YE	SNOX	REMIT C.		···	<b>-</b>		<del>,</del>
be not exceedingparpar	bioticians analysis	of the property, as follows: The specifically stated by the shipper to	I hotely declare that the contents of this consignment of the contents of the proper name and are experted, packaged, marked and into Stoff-secreted, and are in a I respects for proper consider for hampon according to applicable interest and are the greatment of the properties of t	interes stropping			COLLEC	F-1 39	<del></del>
absent a release or a value dec elease the certer's liability or o he extent provided by such ord	erista a value ship	per and the shipper dose not	,,	Subject to Section	7 of the conditions, if this ship metil is to be def recourse on the contignor, the consignor shall		TOTAL CHA		
(3) Commodities requiring special or additional exto or attention in handing of stowing print the so marked and packaged as to ensure safe transportation. See Section 2(e) all term 50, 92% of Lading, Fright Bits and Statements of Charges and Section (a) of the Contract Terms and Conditions for a list of such articles.			FREIGHT CHARGES  (6:prature of Consignor)  (6:prature of Consignor)			ROES Chack ber if charges are to be cofert			
and destined as indicated a person of corporation in pos-	session of the pro-	ariffs in effect on the date of issue of the (contionts and condition of contents of inter the word carrier being understoor nerty under the contract) agrees to can to another carrier on the route to said a all of any portion of said route to	is BM of Lading, the property described packages (informat), marked, consigned, throughout this contract as meaning any (to its usual piace of delivery at said estimation, it is mutually agreed as to	shioment 5	and as to each party at any time inter shall be subject to all the bill offacing Shipper hereby certifies that he is fami d terms and conditions are hereby age	terms and co	ondidons in the g	verning classif	callon on the date of
SHIPPER 1	lyatex Cher	nical Comapany		CARRIE	ER AGD	1000	j. 19		v a
PER			()f	PER	AGD Von	16	<u></u>	-	
			//	L	*****				

# EXHIBIT C



### Invoice

Date	Invoice #
4/9/2018	32977

Bill To	Ship To
Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335	Eteron Inc. 23944 Freeway Park Drive Farmington, MI 48335

### ATTENTION SHIPPERSI FREIGHT CHARGES ARE PREPAID ON THIS BILL OF LADING UNLESS MARKED COLLECT.

### STRAIGHT BILL OF LADING

-		3	IRAIGHIE			J	Shipper N	No. 32977	_ <del></del>	
•		Ca	ORIGINAL - N nerated from DGIS Form			(	Carrier No	Э.		
Page 1 of 1		Ge	AGD	a by Labenila	otor doming 40 OF TV		Dat	e 04/09/20	18	
		<del></del>	(Name of carrier)		(SCAC)	<u> </u>	24			
TO:		r must appear before consigner's name or us	othermae provided in Hern 430, Sec. I,	Snipper	Nyatex Chemical Co	omapany				
o in longition	eron				2112 Industrial	M. 40040 (1)	- A			
Street 239	944 Егөөж	ay Park Drive		I ''	State, Zip Code Howell, MI, 48843, U.S.A.  Emergency Contact Name Nyatex Chemical Company					
City, State, Zip Co	de Farm	nington, MI, 48335, U.S.A.		1	ency Contact Tel. N	110				
oute.							-	Vehicle Number		
No. of Units & Container Type	НМ		ASIC DESCRIPTION er Shipping Name, Hazard Class,	Packing Group	TOTAL QUAN (Weight, Volu Gallons, etc	me, (Sub	IGHT ect to ection)	RATE	CHARGES (For Carrier Use Only)	
2 Drum		Compound Adhesive	, NOI, Liquid		108 gal	990lb	s	60		
		·						·		
Pallet		Containing 2 Druins				58 IL	is			
		Total Weight Includ	ng Pallets	٠		1048	3 lbs			
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PLAC	ARDS T	ENDERED: YES	SNO		T C.O.D.	<del></del>		<u> </u>		
Hote - (1) Where the rate is dependent on value, shippers are required to state specifically in whiting the agreed of addinard value of the property, at follows: The agreed of addinard value of the property, at follows: The agreed of addinard value of the property is briefly enabled by the shipper to be not exceeding. per		Any and accurately described above by the pro- name and are classified, puckaged, marked are labeled placement, and are in all papers and are	per strapico	COD Amt s PREPAIL			PAID S			
		(10	toning the whole includes on the consumit, the interpret what appropriate should be included in the state of the propriate should be included by the shapeond without payment of keeph and at other lands charges,		TOTAL	TAL CHARGES \$  FREIGHT CHARGES				
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RECEIVED, subject to the above in apparent good o and destined as indicated person or corporation in p destination. If un its route	e classifications at rder, except as no above which soic assession of the otherwise to defin	nd tailfie in affect on the date of Issuo of 8 loted (contents and condition of contents o fearlier (the word entiret being undersboo yoperty under the content) agrees to cen ver to enother carrier on the route to said ver at of any portion of said route to	i packages unknovm), marked, consigner d throughout this contract as meaning an w to its usual attace of delivery at and	t, han y ship	បែកដលែក and as to each party at eunder shall be subject to all its ment. Shipper hereby certifies the sald lerms and conditions ៖	e hill of lading terms and that he is familiar with a	i conditions in Il the lacking te	the governing class me and conditions i	ification on the date of In the governing classifca	
SHIPPER	Nyatex Ch	emical Comapany		CAI	RRIER AGD		2	~ H	SIRTE	
PER			()	Ø per	2			- Andrews	1 1011 1	

DATE 04/09/2018

## **EXHIBIT 1**

### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re:		
Eteron, Inc.,		Chapter 11 Case No.18-45161-pjs
Debtor.		Hon. Phillip J. Shefferly
	/	

# ORDER GRANTING NYATEX CHEMICAL COMPANY'S MOTION FOR ALLOWANCE AND PAYMENT OF ITS 11 U.S.C. § 503(b)(9) CLAIM

This matter is before the Court upon Nyatex Chemical Company's Motion for Allowance and Payment of its 11 U.S.C. § 503(b)(9) Claim [Doc. No. \_\_\_]. The Court has considered the Motion and finds that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that notice of the Motion was sufficient. The Court finds good cause for entry of this Order and is otherwise fully advised in the premises:

NOW, THEREFORE,

IT IS HEREBY ORDERED as follows:

1. The Motion is granted.

2. Nyatex Chemical Company is entitled to an administrative expense claim pursuant to 11 U.S.C. § 503(b)(9) in the amount of \$38,435.04, which shall be paid by the Debtor within 7 business days of the date of entry of this Order.

# **EXHIBIT 2**

### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re:		
Eteron, Inc.,		Chapter 11 Case No.18-45161-pjs
Debtor.	/	Hon. Phillip J. Shefferly

# NOTICE OF OPPORTUNITY TO RESPOND OR REQUEST HEARING ON NYATEX CHEMICAL COMPANY'S MOTION FOR ALLOWANCE AND PAYMENT OF ITS 11 U.S.C. § 503(b)(9) CLAIM

Please take notice that Nyatex Chemical Company, through its attorneys, Maddin, Hauser, Roth & Heller, P.C. has filed its Motion for Allowance and Payment of Its 11 U.S.C. § 503(b)(9) Claim (the Motion").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, or if you want the court to consider your view on the Motion, within 14 days you or your attorney must:

Electronically file with the court a written response or an answer explaining your position. This response or answer must comply with LBR 9014-1. You may find more information regarding electronic filing at the Court's website, <a href="https://www.mieb.uscourts.gov">www.mieb.uscourts.gov</a>, or by visiting the office of the Clerk of the Court, United States Bankruptcy Court, 211 W. Fort Street, Ste. 2100, Detroit, Michigan 48226.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. The address for mailing is:

Clerk of the Court United States Bankruptcy Court 211 W. Fort St., Ste. 2100 Detroit, Michigan 48226 You must also serve a copy on:

Julie Beth Teicher, Esq.
Maddin Hauser, Roth & Heller, P.C
28400 Northwestern Hwy., 2<sup>nd</sup> Floor
Southfield MI 48034
<u>iteicher@maddinhauser.com</u>

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully submitted,

MADDIN, HAUSER, ROTH & HELLER, P.C.

/s/ Julie Beth Teicher

JULIE BETH TEICHER (P34300)

Attorneys for Nyatex, LLC

28400 Northwestern Hwy, 2<sup>nd</sup> Floor

Southfield, MI 48034

(248) 354-4030

iteicher@maddinhauser.com

DATED: August 2, 2018

## **EXHIBIT 4**

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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$\mathbf{m}$	10	

Eteron, Inc.,

Chapter 11 Case No.18-45161-pjs Hon. Phillip J. Shefferly

Debtor,

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that on August 2, 2018, Nyatex Chemical Company's Motion for Allowance and Payment of Its 11 U.S.C. § 503(b)(9) Claim (the Motion"), Notice of Opportunity to Respond or Request Hearing on Motion and Certificate of Service were electronically filed with the Clerk of the Court for the United States Bankruptcy Court, Eastern District of Michigan, Southern Division using the CM/ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

In addition, a copy of the Notice of Opportunity to Respond or Request Hearing on Motion was served on all parties listed on Debtor's mailing matrix downloaded from the Court's ECF website (copy attached) by first class mail.

Respectfully submitted, MADDIN, HAUSER, ROTH & HELLER, P.C.

/s/ Julie Beth Teicher

JULIE BETH TEICHER (P34300)

Attorneys for Nyatex, LLC

28400 Northwestern Hwy, 2<sup>nd</sup> Floor

Southfield, MI 48034

(248) 354-4030

jteicher@maddinhauser.com

DATED: August 2, 2018

2182516 v1/13698.0001

Label Matrix for local noticing 0645-2 Case 18-45161-pjs Eastern District of Michigan Detroit Fri Jul 27 11:47:01 EDT 2018 American Discount Heating and Cooling

29556 W. 9 Mile Rd. Farmington, MI 48336

Barr Engineering Co. 3005 Boardwalk Dr. Ann Arbor, MI 48108-5218

Brighthouse Networks 14525 Farmington Rd. Livonia, MI 48154-5432

Cellusuede 1515 Elmwood Rd. Rockford, IL 61103-1213

Consumers Energy PO Box 850309 Cincinnati, OH 45274-0001

Dan Hayden Sales Agency, Inc. 28475 Greenfield Rd. Southfield, MI 48076-3034

Kevin Erskine 211 W. Fort Street Suite 2001 Detroit, MI 48226-3220

Ferrellgas Inc One Liberty Plaza MD 40 Liberty, MO 64068-2971

Grainger 100 Grainger Pkwy. Lake Forest, IL 60045-5202 AGD Trucking 4067 Kirkway Ct. Howell, MI 48843-5508

Amerigas Propane 460 N. Gulph Rd. King of Prussia, PA 19406-2815

Bedrock Logisitics 2501 N. Harwood St. Ste. 2600 Dallas, TX 75201-1618

CZ Cartage 48735 Grand Rivier Ave. Novi, MI 48374-1247

City of Farmington Hills 31555 W. 11 Mile Rd. Farmington Hills, MI 48336-1165

DTE Energy Legal Department WCB 688 One Energy Plaza Detroit, MI 48226-1221

Ethan D. Dunn Maxwell Dunn, PLC 24725 W. 12 Mile Rd. Suite 306 Southfield, MI 48034-8300

Eteron, Inc. 23944 Freeway Park Dr. Farmington, MI 48335-2816

Deborah L. Fish 1001 Woodward Ave. Suite 850 Detroit, MI 48226-1904

Hugh K. Leonard 5159 Lakeshore Dr. Fort Gratiot, MI 48059-3114 Allied Conveyor Systems PO Box 1054 Statham, GA 30666-0022

Bank of America 100 N. Tryon St. Charlotte, NC 28202-4031

Bedrock Logistics 2501 N. Harwood St. Suite 2600 Dallas TX 75201-1618

Kevin C. Calhoun Calhoun & Di Ponio, PLC 29828 Telegraph Rd. Southfield, MI 48034-1338

Kimberly Ross Clayson Clayson, Schneider & Miller P.C. 645 Griswold Suite 3900 Detroit, MI 48226-4251

Dan Hayden Sales Agency 28475 Greenfield Rd., Ste. 216 Southfield, MI 48076-3034

Elizabeth L. Martin 1221 Bowers St. #1448 Birmingham, MI 48012-7056

Express Services, Inc. 9701 Boardwalk Blvd. Oklahoma City, OK 73162-6029

Flock Tex, Inc. 200 Founders Dr. Woonsocket, RI 02895-6193

Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346 JVIS USA LLC 52048 Shelby Pkwy Utica, MI 48315-1787 Richard E. Kruger 27777 Franklin Road Suite 2500 Southfield, MI 48034-8222 David A. Lerner 38505 Woodward Ave. Suite 2000 Bloomfield Hills, MI 48304-5096

MAC II Enterprises 2959 Nebraska Ave. Toledo, OH 43607-3124 William H. Malek Michigan Business Advisors 2900 Union Lake Road Ste. 213 Commerce Twp., MI 48382-3526 Michigan Department of Treasury Collection Division PO Box 30199 Lansing, MI 48909-7699

Michigan Dept. of Environmental Quality c/o MI Dept. of Attorney General Environment, Natural Resources & Agricultural Division Lansing, MI 48909 Michigan Fire Sprinkler 26109 Grand River. Redford, MI 48240-1442 Michigan Staffing, LLC Eva M. Welsher 29400 Van Dyke, Suite 308 Warren, MI 48093-2320

Michigan Testing Institute, Inc. 44249 Phoenix Dr. Sterling Heights, MI 48314-1466 NJT Enterprises 42400 Merrill Rd. Sterling Heights, MI 48314-3238 Nyatex 2112 Industrial Dr. Howell, MI 48843-2406

Nyatex Chemical Company c/o Julie Beth Teicher, Esq. Maddin Hauser Roth & Heller, PC 28400 Northwestern Hwy., 2nd FLoor Southfield, MI 48034-1839 OAKLAND COUNTY TREASURER 1200 N TELEGRAPH DEPT 479 PONTIAC MI 48341-0479 Oakland County Treasurer 1200 N. Telegraph Road Pontiac, Mi 48341-0479

Old National Bank c/o David A. Lerner, Esq. Plunkett Cooney 38505 Woodward Ave Suite 100 Bloomfield Hills, MI 48304-5096 Old National Bank USFC 63 2723 S. State St. Ann Arbor, MI 48104-6188 Old National Bank c/o David A Lerner Plunkett Cooney 38505 Woodward Ave - Ste 100 Bloomfield Hills, MI 48304-5096

PIC Group, LLC c/o Dennis Loughlin, Esq. Warner Norcross & Judd LLP 2000 Town Center, Suite 2700 Southfield, MI 48075-1318 Pall Filter Specialists 100 Anchor Rd. Michigan City, IN 46360-2802 Progressive P.O. Box 7247-0311 Philadelphia, PA 19170-0001

Research Drive Properties 33540 Schoolcraft Rd. Livonia, MI 48150 Richard A. Roble (UST) United States Trustee 211 West Fort Street Suite 700 Detroit, MI 48226-3263 Royal Premium 30833 Northwestern Hwy Ste. 220 Farmington, MI 48334-2582

Sakura Enterprises, LLC 11443 Maple Valley Dr. Plymouth, MI 48170-6391 Service & Technical Associates 3150 Livernois Rd. Troy, MI 48083-5031 State of Michigan Department of Treasury PO Box 30199 Lansing, MI 48909-7699

State of Michigan Attorney General Cadillac Place, 10th Floor 3030 W. Grand Blvd. Suite 10-200 Detroit, MI 48202-6030 Michelle Stephenson 26100 American Drive Suite 500 Southfield, MI 48034-6184 Sterling Commercial Credit, LLC c/o Richard Kruger, Esq.
Jaffe Raitt Heuer & Weiss, P.C.
27777 Franklin Rd., Ste. 2500
Southfield, MI 48034-8214

Sterling Commercial Credit-Michigan, LLC 10559 Citation Drive, Suite 204 Brighton, MI 48116-8398 Stevenson & Bullock, P.L.C. Attn: Michelle M. Stephenson 26100 American Dr., Ste. 500 Southfield, MI 48034-6184 Julie Beth Teicher Maddin, Hauser, Roth & Heller, P.C. 28400 Northwestern Highway Second Floor Southfield, MI 48034-1839

Sheryl L. Toby 39577 Woodward Avenue Third Floor Bloomfield Hills, MI 48304-5082 Try Hours, Inc. 3640 Briarfield Blvd. Maumee, OH 43537-9505 U.S. Attorney's Office 211 W. Fort St. Suite 2001 Detroit, MI 48226-3220

UPS Supply Chain Solutions 12380 Morris Rd. Alpharetta, GA 30005-4177 United States of America (IRS) United States Attorney 211 W. Fort Street Suite 2001 Detroit, MI 48226-3220

VAS 12294 Highview Shores Vicksburg, MI 49097-8352

W.W. Grainger, Inc. 401 South Wright Road W4E. C37 Janesville, WI 53546-8729 Waste Management of Michigan, Inc 2625 W Grandview Rd Ste 150 Phoenix, AZ 85023-3109 Waste Management of Michigan, Inc. dba Waste Management 48797 Alpha Drive, Suite 100 Wixom, MI 48393-3452

Matthew Wilkins 401 S. Old Woodward Ave. Suite 400 Birmingham, MI 48009-6613

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Chrysler Interior Products 134 River Road Ontario, CA

(u) Cpk Interior Products, Inc.

(d)Dan Hayden Sales Agency 28475 Greenfield Rd. Ste. 216 Southfield, MI 48076-3034

(u) Delphi Automotive Systems, LLC

(u) Maxwell Dunn, PLC

(u) Daniel M. McDermott

(u) NJT Enterprises, LLC

(u) Nyatex Chemical Company

(u) Sterling Commercial Credit

End of Label Matrix
Mailable recipients 72
Bypassed recipients 9
Total 81